

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

SHANNON E. HALL, AS  
ADMINISTRATOR OF THE ESTATE OF  
ELI GREY HALL,

Plaintiff,

v.

ABBOTT LABORATORIES,

Defendant.

Civil Action No. 1:22-cv-00071

Hon. John J. Tharp, Jr.

**DEFENDANT ABBOTT LABORATORIES' MOTION  
TO REASSIGN RELATED CASES PURSUANT TO LOCAL RULE 40.4**

Defendant Abbott Laboratories (“Abbott”), by its attorneys, and for its Motion To Reassign Related Cases Pursuant to Local Rule 40.4 states as follows:

1. Pursuant to Local Rule 40.4(c), Abbott moves to reassign to this Court two related cases: (1) *De Los Santos v. Abbott*, No. 1:22-cv-01089 (Judge Steven C. Seeger), and (2) *Devine v. Abbott, et al.*, No. 1:22-cv-01197 (Judge John F. Kness). The complaint and civil cover sheet for each of these cases are attached hereto as Exhibit 1 (*De Los Santos*) and Exhibit 2 (*Devine*), as required under Local Rule 40.4(c).

2. Each lawsuit asserts that a premature infant was administered Abbott’s preterm infant nutrition products in a hospital, where the infant developed an inflammatory disease of the gastrointestinal tract known as NEC and suffered injuries resulting from NEC. Each complaint asserts the same three causes of action—design defect, negligence, and failure to warn—based on the same assertion that the same group of products caused the same disease.

3. Because common issues of law and fact predominate across the cases, and because the cases are in their early stages, reassignment is appropriate. The significant commonalities in these cases—and the anticipated overlaps with respect to discovery (particularly on Abbott) and with respect to potentially outcome-determinative legal issues (including general causation and preemption defenses)—would result in significant judicial savings.

4. This Court recently designated three substantively identical lawsuits as related under Local Rule 40.4(a) and requested that they be reassigned to this Court pursuant to Local Rule 40.4(b). (ECF No. 19.)

5. In further support of this motion, Abbott has submitted a Memorandum of Law, which sets forth the “points of commonality of the cases in sufficient detail to indicate that the cases are related within the meaning of [Local Rule 40.4(a)], and indicate[s] the extent to which the conditions required by [Local Rule 40.4(b)] will be met if the cases are found to be related.”

WHEREFORE, for the reasons set forth above and more fully in the accompanying memorandum, Abbott respectfully requests that the Court grant its Motion and enter an order finding that *De Los Santos* and *Devine* should be reassigned to this Court.

Dated: March 17, 2022

Respectfully submitted,

By: /s/ Stephen V. D'Amore

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 17th day of March 2022, the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECMF System.

/s/ Stephen V. D'Amore  
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